TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Monroe D. Kiar, Town Attorney

Phone Number: (954) 584-9770

SUBJECT: Resolution

DISTRICT: All Districts

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING \$20,000.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCELS 35A, 30, 31, AND 29; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Pursuant to the direction of the Town Administrator, the Town Attorney's Office negotiated a settlement with Mr. Danielle to satisfy Mr. Danielle's unpaid roadway assessment. Through these negotiations, the Town Attorney's Office obtained an offer from Mr. Danielle in the amount of \$20,000.00 to resolve all of his outstanding assessments and liens relative to Parcels 35A, 30, 31, and 29. The sums tendered for the satisfaction of the assessment will be paid in full and shall be delivered to the Town within 30 days of the effective date of this resolution.

This resolution acknowledges — the Town's acceptance of Mr. Danielle's offer to satisfy the unpaid roadway and drainage assessment.

PREVIOUS ACTIONS: NONE

CONCURRENCES:NONE

FISCAL IMPACT: NONE

RECOMMENDATION(S): Motion to approve resolution.

Attachment(s): Letter from Mr. Danielle indicating offer.

RESOLUTION

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING \$20,000.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCELS 35A, 30, 31, AND 29; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town imposed a Special Assessment for road and drainage improvements by Resolution R-87-255; and

WHEREAS, as part of the assessment, Parcels 35A, 30, 31, and 29 were assessed pursuant to the road and drainage improvements; and

WHEREAS, Parcels 35A, 30, 31, were held to have specially benefitted from the road and drainage improvements and a total of \$16,768.00, including interest is owed on those parcels; and

WHEREAS, there is a dispute as to whether parcel 29 benefitted from the special roadway assessment and \$6,510.19 principal plus 8% interest is owed on that parcel; and

WHEREAS, Lawrence Danielle is the owner of Parcels 35A, 30, 31, and 29; and

WHEREAS, Lawrence Danielle has offered to pay the Town the amount of \$20,000.00 in full settlement and satisfaction of the road and drainage assessment; and

WHEREAS, the parties believe that this offer represents a mutually beneficial settlement of the assessment lien.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

<u>SECTION 1</u>. That upon payment to the Town of Davie of the lump sum of \$20,000.00 in cleared funds and within 30 days of the effective date of this resolution, the special assessment lien referred to above on Parcels 35A, 30, 31, and 29 shall be deemed satisfied.

<u>SECTION 2.</u> Upon any failure by the owner of the assessed parcels to tender the lump sum payment of \$20,000.00 in cleared funds within 30 days of the effective date of this resolution, this agreement shall be deemed rejected.

<u>SECTION 3</u> . This Resolution s passage and adoption.	shall take effect immediately upon it	s
PASSED AND ADOPTED THIS DA	AY OF, 2003	
	MAYOR/COUNCILMEMBER	
ATTEST:		
TOWN CLERK		
APPROVED THIS DAY OF	, 2003.	